

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
CARL W. HEFTON (individually, and on behalf of :
DOUG TURNER, TROY FIELDS, RICHARD
BLACKMON, BOB CARTER, DALE KESLER, :
RICHARD CAPERTON, DAN CONWAY AND
ELLIOTT S. OSHRY), and BEN G. GILL (individually, : 07-CV-9586 (RPP)
and on behalf of BRIAR TREE, LTD) :
Plaintiffs, : **NOTICE OF VOLUNTARY
DISMISSAL UNDER RULE
41(a)(1)(A)(i) OF THE
FEDERAL RULES OF
CIVIL PROCEDURE**
-against-
VISCERN HOLDING CORPORATION, :
Defendant.
----- x

PLEASE TAKE NOTICE that, whereas no answer or motion for summary judgment has been filed in the above-captioned proceeding, the plaintiff hereby dismisses the above-captioned action in accordance with, and pursuant to the terms of, Rule 41(a)(1)(A)(i) and 41(a)(1)(B) of the Federal Rules of Civil Procedure.

Dated: New York, New York
June 17, 2008

PLATZER, SWERGOLD, KARLIN, LEVINE,
GOLDBERG & JASLOW, LLP
Attorneys for Plaintiffs

By: /s/ Steven D. Karlin
Steven D. Karlin (SK-0633)
1065 Avenue of the Americas - 18th Floor
New York, New York 10018
Telephone: 212-593-3000
Facsimile: 212-593-0353
skarlin@platzerlaw.com

TO: Christopher M. Mason, Esq.
Nixon Peabody, LLP
437 Madison Avenue
New York, New York 10022